

REMARKS

In the Office Action dated June 18, 2004, the specification and claims 8, 10, 14, and 23 are objected to for various informalities. These informalities have been addressed by the foregoing amendments. Claims 5-6, 12-14, 17-19, 21, 24-25, and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form.

Claim 30 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,086,299 to Kanczuzewski. Kanczuzewski states that sleeve 20 “includes first side 21, second side 22, third side 23, and fourth side 24.” (Col. 2, ll. 56-58). When in use, the ends of a restraining bar are placed in the sleeves, at least one side of which must be broken away in order to remove the restraining bar. (Col. 3, ll. 3-7) Fig. 4 of Kanczuzewski is a “partial cut-away, side plan view,” thus the embodiment shown in Fig. 4 includes all four sides (Col. 2, ll. 39-40). Consequently, Kanczuzewski fails to disclose a retaining member support having an open side to permit lateral insertion of the end of the retaining member, as recited in claim 30.

Claims 1-4, 7-9, 16, and 30-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,238,874 to Biela. Biela states that a movable bracket 32 is received by a pair of Z-shaped irons 30 to support floor elements 23. (Pg. 1, ll. 53-67). With respect to claims 1, 16 and 30, Biela fails to disclose a spacer that urges a retaining member against a retaining member support. Dependent claims 2-4, 7-9, and 31-32 patentably distinguish from Biela on the same basis as discussed with respect to claims 1 and 30. Based on the foregoing, the rejection of claims 1-4, 7-9, 16, and 30-32 should be withdrawn.

Claims 10-11, 15, 20, 22, 23, 26 and 27 are rejected under 35 U.S.C. § 103(a) as being obvious over Biela in view of Kanczuzewski. Claims 10-11 and 15 depend from claim 1 and are therefore allowable when claim 1 is allowable. Claims 20 and 22 depend from claim 16 and are

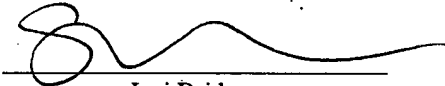
therefore allowable when claim 16 is allowable. As previously noted, Biela fails to disclose a spacer that urges the retaining member against the retaining member support. Kanczuzewski fails to disclose a retaining member support having an open side to permit lateral insertion of the end of the retaining member. Moreover, a *prima facie* case of obviousness requires that a teaching or suggestion to make the claimed combination and a reasonable expectation of success are both found in the prior art, and not based on Applicant's disclosure. MPEP 2142. There is no teaching or suggestion in either reference to combine the cargo load-lock of Kanczuzewski with the auxiliary floor support system of Biela. The bracket in Biela is supported by a removable post 36, as would be necessary to support an auxiliary floor and any cargo or persons that would be loaded onto the floor. (Pg. 1, ll. 59-62). Using an easily removable adhesive to secure the support of Biela would provide insufficient strength to hold the support in place, since such a support is intended to withstand significant vertical forces on the support. In contrast, Applicant's support is configured to withstand horizontal forces, there is thus neither a suggestion to combine the cargo load-lock of Kanczuzewski with the auxiliary floor support system of Biela, nor a reasonable expectation that such a combination would be successful.

Conclusion

In view of the foregoing, it is respectfully asserted that all of the claims pending in the application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 224-6655.

CERTIFICATE OF MAILING

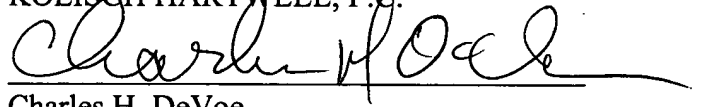
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 11, 2004.



Josi Bridges

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Charles H. DeVoe

Registration No. 37,305

Customer No. 23581

Attorney/Agent for Applicant(s)/Assignee

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

Telephone: (503) 224-6655

Facsimile: (503) 295-6679